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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,449	07/05/2001	Eric Jurgen Van Der Zwan	NL 000364	4094

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/899,449	Applicant(s) VAN DER ZWAN ET AL.	
	Examiner Corey P. Chau	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments on the finality of the rejection of the last Office action are persuasive and, therefore, the finality of that action is vacated. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6427015 to Backram et al. (hereafter as Backram).

4. Regarding Claim 1, Backram discloses a combination of a microphone (MCU) (Fig. 1) requiring a bias signal and an analog-to-digital converter having an input

connected to an output of the microphone, to convert a signal generated by the microphone into a digital signal at an output of the analog-to-digital converter (abstract; column 1, lines 1-3; column 2, lines 39-59; claim 1), characterized in that the analog-to-digital converter is **operable** to supply a bias signal to the microphone (abstract; Fig. 1; column 2, lines 4-23; claim 1).

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5614904 to Dent.

6. Regarding Claim 1, Dent discloses a combination of a microphone requiring a bias signal (Figs. 3 and 4) and an analog-to-digital converter having an input connected to an output of the microphone, to convert a signal generated by the microphone into a digital signal at an output of the analog-to-digital converter (Figs. 2 and 3; column 2, lines 33-42), characterized in that the analog-to-digital converter is **operable** to supply a bias signal to the microphone (Figs. 1-3; column 3, lines 19-46; column 4, lines 6-40).

7. Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6285769 to Edelson et al. (hereafter as Edelson).

8. Regarding Claim 1, Edelson discloses a combination of a microphone requiring a bias signal (Figs. 1-3; column 2, lines 50-59) and an analog-to-digital converter having an input connected to an output of the microphone, to convert a signal generated by the microphone into a digital signal at an output of the analog-to-digital converter (abstract; Figs. 1-4; column 3, lines 23-27; column 4, lines 20-67), characterized in that the

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analog-to-digital converter is **operable** to supply a bias signal to the microphone (Figs. 1-4; column 4, lines 20-67).

Allowable Subject Matter

9. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5162799 to Tanimoto discloses an A/D converter.

U.S. Patent No. 5347279 to Ishihara et al. discloses an A/D converter.

U.S. Patent No. 6853733 to Groothedde et al. discloses a digital microphone circuit.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 27, 2005
CPC



HUYEN LE
PRIMARY EXAMINER